



EPA Office of Prevention, Pesticides, and Toxic Substances

**How To Comply with the Worker Protection Standard
for Agricultural Pesticides: What Employers Need to Know
Disclaimer, Acknowledgments, and Table of Contents**

September 2005

Office of Prevention, Pesticides, and Toxic Substances
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<http://www.epa.gov/agriculture/htc.html>

THE IMPORTANCE OF THIS MANUAL

Regulatory agencies will enforce the requirements of the federal Worker Protection Standard (Code of Federal Regulations, Title 40, Part 170) when you use a pesticide product with labeling that refers to the Worker Protection Standard. If you do not comply with the Worker Protection Standard requirements, you will be in violation of federal law, since it is illegal to use a pesticide product in a manner inconsistent with its labeling. This manual provides information to help you comply with the requirements of the federal Worker Protection Standard (WPS) for agricultural pesticides, 40 CFR part 170, as published in 1992 and as amended in 1995, 1996, and 2004. EPA may issue additional guidance about the Worker Protection Standard and the Worker Protection Standard may be amended in the future. Check with your state or tribal agency responsible for pesticides for further information and updates.

This 2005 updated *Worker Protection Standard for Agricultural Pesticides — How To Comply Manual*, EPA 735-B-05-002 supersedes the 1993 version, EPA 735-B-93-001. Changes to the Worker Protection Standard have made the 1993 version obsolete and its continued use may lead an employer to be out of compliance with this regulation.

Additional Worker Protection Requirements in Your Area

Some states, tribes, or local governments with jurisdiction over pesticide enforcement may have additional worker protection requirements beyond the requirements described in the federal manual. Check with these agencies to obtain the information you need to comply with all applicable state, tribal, or local requirements.

Reproduction of the Manual

This manual may be reproduced, but if this manual is altered it may no longer provide the information to help employers comply with the requirements of the federal Worker Protection Standard.

Material Appended to the Manual

States, tribes, or local governments with jurisdiction over pesticide enforcement may elect to append additional worker protection requirements to the federal manual. These additions may only be appended at the end of the federal manual, after the index. Any additional material should be clearly identified as state, tribal, or local requirements.

WHO NEEDS TO READ THIS MANUAL?

You probably need to comply with the WPS if you are a:

- **Manager or owner** of a farm, forest, nursery, or greenhouse, *or*
- **Labor contractor** for a farm, forest, nursery, or greenhouse, *or*
- **Custom (for-hire) pesticide applicator** or **independent crop consultant** hired by a farm, forest, nursery, or greenhouse operator.

Most WPS provisions are protections that you as an **employer** must provide to **your own employees** and, in some instances, to **yourself**. The WPS covers two types of employers, which it defines according to the type of work their employees do:

Worker employer — If you hire or contract for people to do agricultural worker tasks, or if you do them yourself, the WPS considers you a worker employer. In general, agricultural workers are persons who (1) do hand labor tasks, such as weeding, planting, cultivating, and harvesting, or (2) do other tasks involved in the production of agricultural plants, such as moving or operating irrigation equipment (see p. 10 for complete definition). Units 3 and 4 of this manual describe the WPS protections you must provide to the agricultural workers you employ.

Handler employer — If you hire people to do pesticide handling tasks, or if you do them yourself, the WPS considers you a handler employer. In general, pesticide handlers are persons who mix, load, apply, or do other tasks that bring them into direct contact with pesticides (see p. 10 for complete definition). You must provide WPS protections to all your pesticide handler employees, whether or not they are certified as applicators of restricted-use pesticides. Units 3 and 5 of this manual describe the WPS protections you must provide to the pesticide handlers you employ.

- *The same employee may be a worker at some times and a handler at other times, depending on the type of task being performed.*
- *You may be both a handler employer and a worker employer, depending on the tasks that you and your employees do.*
- *Both general-use pesticides and restricted-use pesticides are covered by the WPS.*

ABOUT THIS MANUAL

This “How To Comply” manual will:

- Help you determine whether you are covered by the WPS,
- Give you detailed information on how to comply with the WPS requirements, including exceptions, restrictions, exemptions, options, and examples, and
- Provide you with a “Quick Reference Guide” — a simplified route to compliance that focuses on **maximum** requirements.

Important definitions and other special explanations are enclosed in shaded boxes. Reading them will help you better understand the WPS requirements and how they apply to you.

LABELING OVERRIDES WPS

If the pesticide product labeling contains specific instructions or requirements that conflict with the requirements of the Worker Protection Standard, **follow the instructions or requirements on the labeling**. For example, some pesticide labeling may:

- Prohibit any early-entry activity, including short-term and emergency tasks.
- Allow an early-entry activity that the WPS does not allow.
- Require the use of personal protective equipment even if closed systems are used for mixing and loading.

EXCEPTIONS TO LABELING STATEMENTS

The WPS allows certain exceptions to three specific pesticide labeling requirements: **personal protective equipment (p. 62)**, **restricted-entry intervals (p. 36)**, and **double notification (p. 33)** (the requirement on some labeling for both oral warnings **and** posting treated areas). The WPS statements in the Agricultural Use Requirements box on the product labeling will tell you that the WPS contains these exceptions.

Entry during a restricted-entry interval is permitted only in a few strictly limited circumstances; see Early Entry, p. 47

For more information about the Worker Protection Standard, or if you have questions or concerns about pesticides, contact the agency responsible for regulating pesticides in your area or the EPA Regional Office nearest you.

EPA Headquarters

EPA Office of Pesticide Programs

U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
www.epa.gov/pesticides

EPA National Agriculture Compliance Assistance Center

901 North 5th Street
Kansas City, KS 66101
(888) 663-2155
www.epa.gov/agriculture

EPA Office of Compliance

U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-2280
www.epa.gov/compliance

EPA Regions

Region 1 (MA, CT, RI, NH, VT, ME)

U.S. Environmental Protection Agency, Region 1
Pesticides Program (CPT)
Office of Ecosystem Protection
1 Congress St., Suite 1100
Boston, MA 02114-2023
(888) 372-7341
www.epa.gov/NE/eco/pest/

Region 2 (NY, NJ, PR, VI)

U.S. Environmental Protection Agency, Region 2
Pesticide Team
MS-500
2890 Woodbridge Ave., Building #5
Edison, NJ 08837
(908) 321-6769
www.epa.gov/pesticides/local/region2/index.htm

Region 3 (PA, MD, VA, WV, DE)

U.S. Environmental Protection Agency, Region 3
Waste and Chemicals Management Division
Mail Code 3WC00
1650 Arch St.
Philadelphia, PA 19103-2029
(800) 438-2474
www.epa.gov/reg3wcmd/pesticides.htm

Region 4 (GA, NC, SC, AL, MS, KY, FL, TN)

U.S. Environmental Protection Agency, Region 4
Pesticides Section
Sam Nunn Atlanta Federal Center
61 Forsyth St, SW
Atlanta, GA 30303-3104
(404) 562-8968
www.epa.gov/pesticides/local/region4/index.htm

Region 5 (IL, MI, MN, IN, OH, WI)

U.S. Environmental Protection Agency, Region 5
Pesticide Program Section (DT-8J)
77 West Jackson Blvd.
Chicago, IL 60604
(312) 353-2192
www.epa.gov/reg5rcra/ptb/pest/

Region 6 (TX, OK, AR, LA, NM)

U.S. Environmental Protection Agency, Region 6
Pesticides Program
6PD-P
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733
(800) 887-6063
www.epa.gov/earth1r6/6pd/pd_p/pest.htm

Region 7 (MO, KS, IA, NE)

U.S. Environmental Protection Agency, Region 7
Pesticide Branch (PEST)
501 N. 5th St.
Kansas City, KS 66101
(913) 551-7033
www.epa.gov/Region7/pesticides/index.htm

Region 8 (CO, MT, ND, SD, UT, WY)

U.S. Environmental Protection Agency, Region 8
Pesticide Program (8P-P3T)
999 18th St., Suite 300
Denver, CO 80202-2466
(800) 227-8917
www.epa.gov/Region8/toxics_pesticides/pests/pesthme.html

Region 9 (CA, NV, AZ, HI, GU)

U.S. Environmental Protection Agency, Region 9
Pesticides Section (CED-5)
75 Hawthorne St.
San Francisco, CA 94105
(415) 947-8704
www.epa.gov/pesticides/local/region9/index.htm

Region 10 (WA, OR, ID, AK)

U.S. Environmental Protection Agency, Region 10
Pesticides Unit (ECO-084)
1200 Sixth Ave.
Seattle, WA 98101-1128
(206) 553-1918
yosemite.epa.gov/R10/ECOCOMM.NSF/webpage/Pesticides

Helpful Web Sites

EPA Office of Pesticide Programs Worker Protection Standard page:
www.epa.gov/oppfead1/safety/workers/workers.htm

EPA Office of Pesticide Programs Agricultural Worker Protection Standard 40
CFR Parts 156 & 170 Interpretive Policy Questions and Answers
www.epa.gov/pesticides/safety/workers/wpsinterpolicy.htm

EPA Ag Center Worker Protection Standard page:
www.epa.gov/agriculture/twor.html

EPA Ag Center Worker Protection Standard publications page:
www.epa.gov/agriculture/awor.html

Directory of State Regulators
aapco.ceris.purdue.edu/htm/directories.htm

State Pesticide Educators Directory
www.ipmcenters.org/contacts/PSEPdirectory.cfm

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How To Comply With the Worker Protection Standard For Agricultural Pesticides

What Employers Need To Know

- Farms
- Forests
- Nurseries
- Greenhouses



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